



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
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March 29, 2010

Mr. Stephen Kingsberry, Director
Delaware Transit Corporation
900 Public Safety Boulevard
Dover, DE 19901


Dear Mr. Kingsberry:

I write on behalf of the State Council for Persons with Disabilities (SCPD) after Council received a briefing by Ms. Bonnie Hitch on the proposed changes to the *DART First State Statewide Paratransit Plan* at its March 15, 2010 meeting. In addition, SCPD understands that DTC is in receipt of Council's February 16, 2010 testimony at the Joint Finance Committee hearings (attached) and is considering these comments. SCPD appreciates the presentation, and as a supplement to the testimony, Council has the following observations and recommendations regarding the draft changes to the Paratransit Plan.

1. The map provided on page 8 should be much more detailed and informative.
2. The following statement is provided on page 5: "If the demand at any given time exceeds available resources, DART First State reserves the right to prioritize trips outside the ADA mandated service area to ensure people are able to get to medical appointments, to work, and to school." The implication of this provision is that if a rider has a non-priority trip, DART could deny transportation because other buses are "tied up" getting people to medical appointments, work and school and are not available. It is Council's understanding that this is not the intent of the policy since "(a)lternative travel times may be offered in order to accommodate trip requests." That statement is soft and this section is currently written in such a way that appears to give DART "carte blanc" authority to deny trips based on the 3 aforementioned priorities or demand. SCPD recommends that clarifying language be included which states DART will not deny trips/service because of priorities or demand.
3. In the same paragraph on page 5, DART should consider not limiting the priorities outside the ADA mandated service to "medical appointments", "work" and "school". There could be other sound reasons why a trip is a priority for someone at a particular time. SCPD recommends that DART amend the language to include "other good cause" as a basis for prioritization of trips.
4. If service is eventually limited outside the ADA mandated area, there could be a potential impact on other State agency budgets and the people they serve. For example, Easter Seals

serves 491 people in its adult day health (DSAAPD) and DDDS facility-based day services. 382 of those ride DART (78%) and the percentage continues to rise as Easter Seals has gradually been down-sizing its transportation operation and shifting participants to DART. If DART is unable to provide transportation, the cost may be transferred to the state agency serving the people in these programs. Moreover, as noted in Council's JFC testimony, if individuals with disabilities are unable to attend day programs, they may be transitioned to institutional care at much higher costs. Other examples of programs and related budgets which may be affected are as follows: Bancroft (a DDDS residential provider) - 75% of clients utilize DART; Elwyn Delaware's Work Activity Center and Supported Employment Program - 41 percent of clients are outside the ADA mandated service area; Elwyn Delaware's Senior Reflections Program - 90 percent of participants ride DART. DVR clients could also be impacted. Finally, the situation would be exacerbated in Kent and Sussex Counties since there is much less ADA service area.

5. To facilitate analyses of plans and policies, it would be beneficial if DTC provided the current plan (or relevant sections) with specific proposed amendments similar to the process utilized by the Division of Research when it issues the Register of Regulations.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Daniese McMullin-Powell". To the right of the signature is a circular stamp containing the word "COPY".

Daniese McMullin-Powell, Chair
State Council for Persons with Disabilities

cc: Ms. Bonnie Hitch
Ms. Carol Barnett
Mr. Lloyd Schmitz
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council



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MEMORANDUM

DATE: February 16, 2010

TO: Members of the Joint Finance Committee

FROM: Kyle Hodges, Director
State Council for Persons with Disabilities

RE: Paratransit Services

I am here on behalf of the State Council for Persons with Disabilities (SCPD) in strong support of statewide paratransit services for individuals with disabilities in Delaware. As you know, paratransit service is critical for people with disabilities to become fully integrated in the community. As background, it is Council's understanding that pending clarification of FY 11 funding, the Delaware Transit Corporation (DTC) is considering some changes that could affect the current transportation system for individuals with disabilities in Delaware. One of the issues is identifying ADA required services from other services provided (i.e. services beyond the ADA required service area).

Paratransit services complement a fixed route bus system. The Americans with Disabilities Act (ADA) mandates that paratransit services be provided within a $\frac{3}{4}$ mile radius of a fixed route. At present, DTC goes beyond the ADA and provides paratransit services statewide. Council applauds DTC for its commitment to providing paratransit services beyond the non-ADA mandated area. If services are reduced to only a $\frac{3}{4}$ mile radius of a fixed route, it could have a critical negative impact on people with disabilities who rely on the system. Most of the fixed route services are provided in New Castle County with limited or no fixed routes in Kent & Sussex Counties. Therefore, many communities in Delaware do not qualify under the ADA to receive paratransit services. SCPD truly appreciates that DTC has recently determined that current "commuter" routes in Kent and Sussex Counties will serve as fixed routes for the purpose of determining ADA mandated services. However, if resources become "tight", DTC reserves the right to conduct ADA required service first and trip prioritization will then be in effect for areas outside the ADA service area (e.g. medical appointments, work, and school) and the remainder of the trips would be "negotiated". Therefore, Council is still concerned that any reduction of the paratransit service area would result in individuals not having accessible transit services for many areas in Delaware. Individuals with disabilities would not be able to go to medical

appointments, attend day programs, get to work (and would therefore lose their jobs), enjoy social and recreational activities, or be active members of the community. Other transportation options are not viable for people with disabilities since they are generally not accessible and are cost prohibitive. Potential cost savings within DTC may result in higher costs in other agencies such as DHSS who contracts with various services providers (e.g. if people are unable to attend day programs, they may be transitioned to institutional care at much higher costs).

SCPD realizes the difficult economic times we are in and appreciates all the efforts of DTC to provide quality transportation services in Delaware. In addition, we value the positive collaborative relationship that has been established over the years between the Council and DTC.

We strongly endorse DTCs FY 11 funding request to ensure that individuals with disabilities have the appropriate transportation services to remain or become fully integrated in the community, and request that any changes in the system be monitored closely to ensure that appropriate services are provided in a timely manner. Statewide Paratransit service has brought positive national attention to DTC and such a service should be maintained as an example for the rest of the nation.

Thank you for your consideration.